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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,857	08/15/2006	Vernon Peregrin Joynt	15193.0004	7932

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SUTHERLAND ASBILL & BRENNAN LLP
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ATLANTA, GA 30309

EXAMINER

CHAMBERS, TROY

ART UNIT	PAPER NUMBER
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3641

MAIL DATE	DELIVERY MODE
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06/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,857	Applicant(s) JOYNT, VERNON PEREGRIN	
	Examiner Troy Chambers	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 2 and 6 recites the broad recitation "suitable ceramic material", and the claim also recites alumina which is the narrower statement of the range/limitation.
3. Regarding claims 2 and 6, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by

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"or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

4. Regarding claims 2 and 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Objections

5. Claims 10 and 18 are objected to because of the following informalities: The term "tyre" should be re-spelled "tire". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 5, 6, 11, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5905225 issued to Joynt.

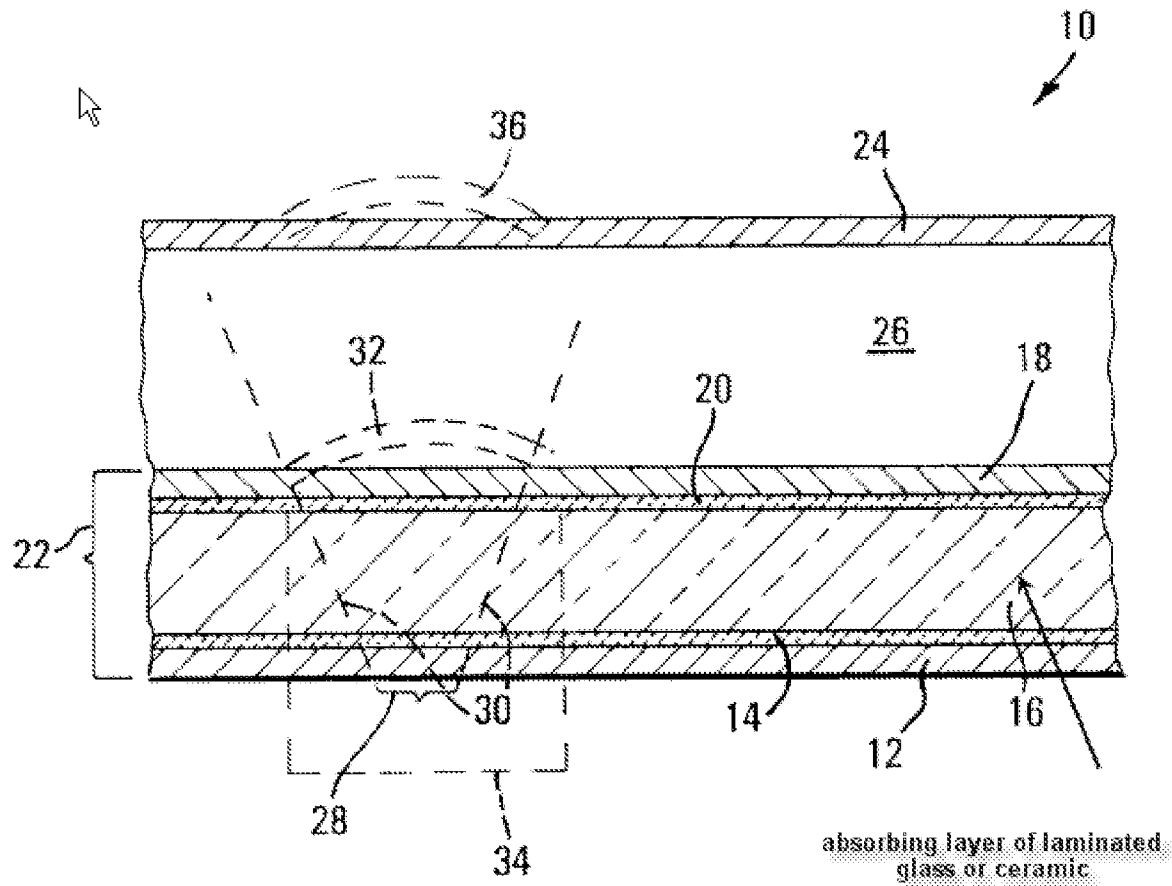
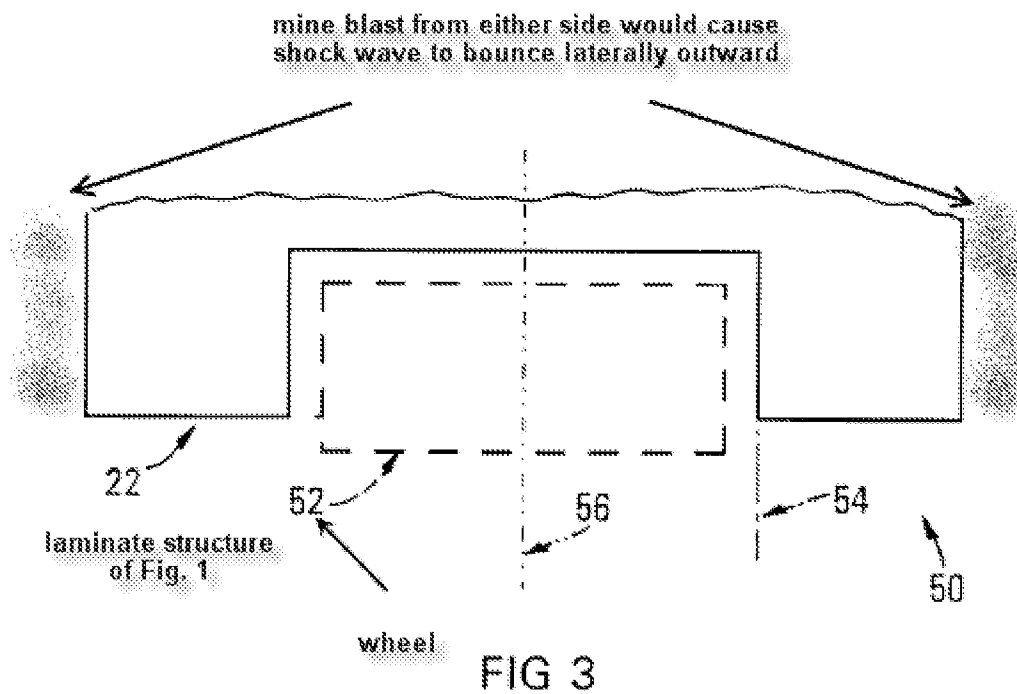


FIG 1

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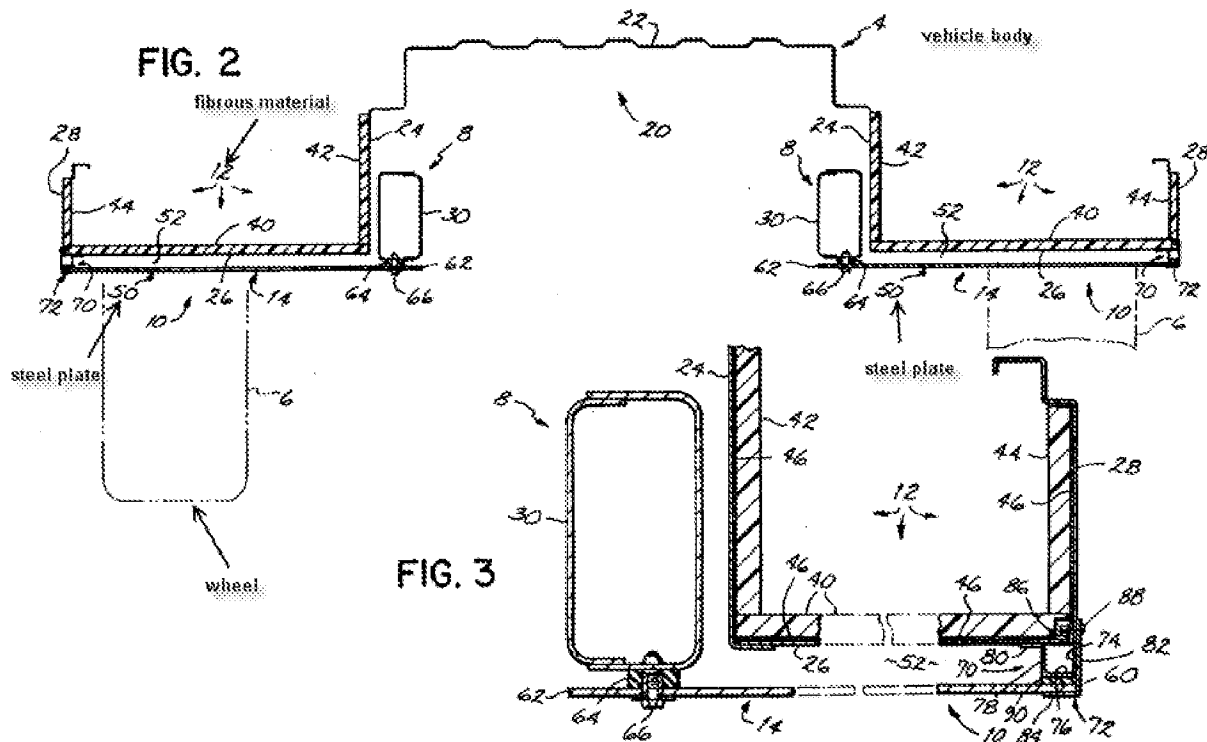
Column, 1, lines 20-29 provides the following:

The impact absorbing layer is of a hard, brittle, generally non-metal material and may comprise a silica-alumina mineral, aluminium oxide, a composite material including a fibrous component such as a metallic oxide matrix and carbon or glass fibres or metal oxide whiskers or other fibrous material. A composite material may include limited amounts of metallic components. Therefore the term "generally non-metal material" must be interpreted accordingly, i.e. to allow for limited amounts of metallic material to be included.

The applicant's specification discloses that such materials as glass or ceramic provide support for the claimed acoustic speed limitations. Therefore, prior art references which recite similar materials will inherently perform the same and have the same physical characteristics.

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8. Claims 1, 2, 4, 5, 6, 9, 11, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5533781 issued to Williams.



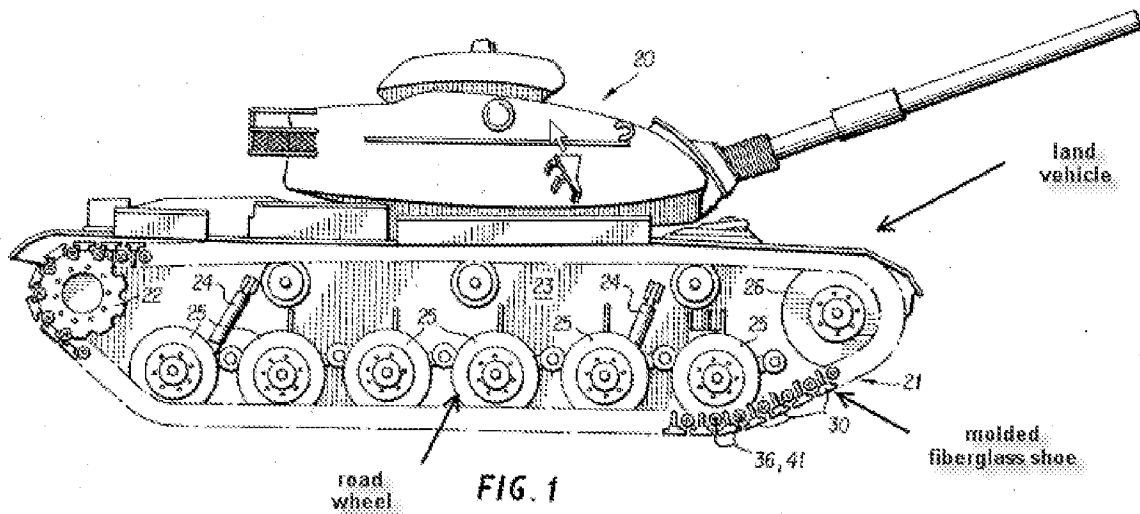
Williams' specification at col. 3, line 62 to col. 4, line 8 provides:

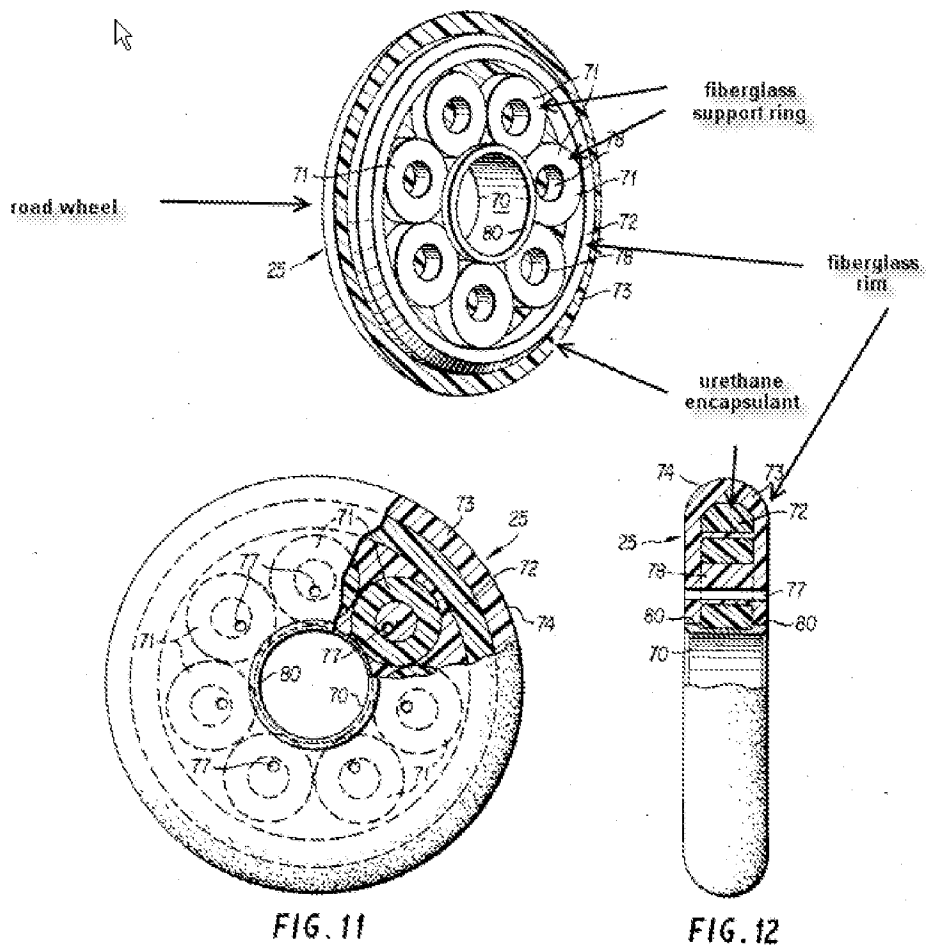
The fibrous material 12 applied thereto is preferably about 0.36" to 0.60" thick rigid glass fiber-reinforced phenolic plastic material. A preferable glass fiber reinforcement material for this application is known as S2 Glass.RTM. and is manufactured by Owens Corning Fiberglass of Toledo, Ohio. S2 Glass.RTM. has high tensile, high impact and high fatigue strengths. When wetted with resin, for example phenolic resin, the resin impregnated S2 Glass.RTM. can be compression molded into panels for placement into the vehicle 4. The fibrous material 12 is bonded or adhesively secured to the sections 24, 26 and 28

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preferably with a high elongation urethane resin adhesive 46 such as that manufactured by Essex Specialty Products of Clifton, N.J., designated as 558-02.

9. Claims 1-10 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4565412 issued to Commige et al. (hereinafter "Commige").





Comminge discloses a vehicle in the form of a tank 20. The tank has several ground engaging elements in the form of molded fiberglass shoes 30 and road wheels 25, 26. The road wheels have fiberglass support rings 71, a fiberglass rim 72 and urethane encapsulant 73.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on form PTO-892 are cited as of interest to

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show similar methods and apparatus for protecting vehicles against effects of a landmine explosion.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is 571-272-6874 and whose email address is troy.chambers@uspto.gov. The examiner can normally be reached on M-F from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Troy Chambers/
Primary Examiner
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tc

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